

CASREF, ECF, RELATED

**U.S. District Court
United States District Court for the Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:06-cv-00433-RJS-JCF**

Dunlop v. The City of New York et al
Assigned to: Judge Richard J. Sullivan
Referred to: Magistrate Judge James C. Francis
Related Case: 1:04-cv-09216-RJS-JCF
Cause: 42:1983 Civil Rights Act

Date Filed: 01/20/2006
Jury Demand: Defendant
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff**Alexander Dunlop**

represented by **Gina Maria Bonica**
Kurland & Associates, PC
304 Park Avenue South, Suite 206
New York, NY 10010
(212) 253-6911
Email: bonica@kurlandassociates.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Yetta G. Kurland
Kurland & Associates, PC
304 Park Avenue South, Suite 206
New York, NY 10010
(212)-253-6911
Fax: (212)-614-2532
Email: kurland@helloworld.edu
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

The City of New York
*a municiple entity, in its individual and
official capacity, jointly and severally*

represented by **James Mirro**
NYC Law Department
100 Church Street
New York, NY 10007
(212)-788-8026
Fax: (212)-788-9776
Email: jmirro@law.nyc.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Michael Bloomberg

Mayor of the City of New York, in his individual and official capacity, jointly and severally

represented by **James Mirro**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Raymond Kelly**

Police Commissioner of the City of New York, in his individual and official capacity, jointly and severally

represented by **James Mirro**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Joseph Esposito**

Chief of the Department, New York City Police Department, in his individual and official capacity, jointly and severally

represented by **James Mirro**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Thomas Graham**

Commanding Officer of the Disorder Control Unit of the New York City Police Department, in his individual and official capacity, jointly and severally

represented by **James Mirro**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**John J. Colgan**

Deputy Chief and Commanding Officer, Pier 57, New York City Police Department, in his individual and official capacity, jointly and severally

represented by **James Mirro**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**The New York County District Attorney's Office**

in its individual and official capacity, jointly and severally
TERMINATED: 08/27/2007

represented by **James Mirro**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael Symington Morgan
District Attorney, New York County
One Hogan Place
New York, NY 10011
212-335-9000
Fax: 212335-9288
Email: morganm@dany.nyc.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

N.Y.District Atty Robert Morgenthau
*in his individual and official capacity,
jointly and severally*
TERMINATED: 06/06/2007

represented by **James Mirro**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael Symington Morgan
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Police Officer Maya Gomez
*shield number 27230, in her individual
and official capacity, jointly and
severally*

represented by **James Mirro**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Police Officer John Does 1-3
*in their individual and official
capacities, jointly and severally*
TERMINATED: 08/27/2007

represented by **James Mirro**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Hudson River Park Trust
*in its individual and official capacity,
jointly and severally*

represented by **James Mirro**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**Police Officer John Does
1-3**
TERMINATED: 08/27/2007

Defendant

Technician John Roc
*New York County District Attorney's
Office*
TERMINATED: 08/27/2007

Defendant

Assistant D.A. Willa Concannon
TERMINATED: 06/06/2007

represented by **Michael Symington Morgan**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Robert Morgenthau
New York county District Attorney

Defendant

District Attorney Willa Concannon

Defendant

Police Officer John Doe

1-3

Defendant

Ilise Williams

represented by **James Mirro**

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
01/20/2006	<u>1</u>	NOTICE OF REMOVAL from Supreme Court, County of New York. Case Number: 05/112008. (Filing Fee \$ 250.00, Receipt Number 566945). Document filed by The City of New York. (jbe,) Additional attachment(s) added on 1/25/2006 (mbe,). (Entered: 01/20/2006)
01/20/2006		Case Designated ECF. (jbe,) (Entered: 01/20/2006)
01/20/2006		SUMMONS ISSUED as to Alexander Dunlop. (jbe,) (Entered: 01/20/2006)
01/20/2006	<u>2</u>	NOTICE and Statement of Relatedness. Document filed by The City of New York. (jbe,) Additional attachment(s) added on 1/25/2006 (mbe,). (Entered: 01/20/2006)
01/20/2006		CASE REFERRED TO Judge Kenneth M. Karas as possibly related to 04-cv-9216 (KMK). (jbe,) (Entered: 01/20/2006)
01/20/2006	3	NOTICE OF APPEARANCE by James Mirro on behalf of The City of New York (Mirro, James) (Entered: 01/20/2006)
01/27/2006	<u>4</u>	ENDORSED LETTER addressed to Judge James C. Francis from James Mirro dated 1/26/06 re: Defendants seek an additional 60 days in which to answer the complaint making their due date 3/28/06., Thomas Graham answer due 1/20/2006; John J. Colgan answer due 1/20/2006; The New York County District Attorney's Office answer due 1/20/2006; Robert Morganthau answer due 1/20/2006; Maya Gomez answer due 1/20/2006; John Does 1-3 answer due 1/20/2006; Hudson River Park Trust answer due 1/20/2006; The City of New York answer due 1/20/2006; Michael Bloomberg answer due 1/20/2006; Raymond Kelly answer due 1/20/2006; Joseph Esposito answer due 1/20/2006. ENDORSEMENT: Application GRANTED. So Ordered. (Signed by Judge James C. Francis on 1/27/06) (js,) (Entered: 01/27/2006)
02/06/2006		CASE ACCEPTED AS RELATED TO 1:04-cv-9216. Notice of Assignment to follow. (laq,) (Entered: 02/06/2006)
02/06/2006	5	NOTICE OF CASE ASSIGNMENT to Judge Kenneth M. Karas. Judge Unassigned no longer assigned to the case. (laq,) (Entered: 02/06/2006)

02/06/2006		Magistrate Judge James C. Francis is so designated. (laq,) (Entered: 02/06/2006)
02/06/2006		Mailed notice to the attorney(s) of record. (laq,) (Entered: 02/06/2006)
02/08/2006	<u>6</u>	ORDER; this case is hereby consolidated with 04cv7922, Schiller v. City of New York, for discovery purposes as related to the protest activity and arrest during the 2004 Republican National Convention and is referred to Mag. Judge Francis for discovery. Counsel for the dft is to notify the plaintiff of this order. (Signed by Judge Kenneth M. Karas on 2/7/06) (pl,) (Entered: 02/08/2006)
02/08/2006	<u>7</u>	ORDER REFERRING CASE TO MAGISTRATE JUDGE. Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for For general pretrial (includes scheduling, discovery, non-dispositive pretrial motions, and settlement). Referred to Magistrate Judge James C. Francis. (Signed by Judge Kenneth M. Karas on 2/7/06) (pl,) (Entered: 02/08/2006)
02/17/2006	<u>8</u>	NOTICE OF APPEARANCE by Yetta G. Kurland on behalf of Alexander Dunlop (Kurland, Yetta) (Entered: 02/17/2006)
02/17/2006	<u>9</u>	MOTION to Remand <i>to New York State Court</i> . Document filed by Alexander Dunlop. (Attachments: # <u>1</u> Appendix Order of Judge Karas# <u>2</u> Exhibit Plaintiff's Amended Complaint# <u>3</u> Exhibit Defendant's Notice and Statement of Relatedness)(Kurland, Yetta) (Entered: 02/17/2006)
02/17/2006	<u>10</u>	AFFIDAVIT OF SERVICE of Motion to Remand and Attached Exhibits served on James Mirro, Attorney for Defendants on 2/17/06. Service was made by Mail- Federal Express Overnight. Document filed by Alexander Dunlop. (Kurland, Yetta) (Entered: 02/17/2006)
02/28/2006	<u>11</u>	ENDORSED LETTER: addressed to Judge Kenneth M. Karas from Gina M. Bonica dated 2/22/2006 re: plaintiff is respectfully requesting a pre motion conference. ENDORSEMENT: The defendants are to respond to this letter by 3/3/2006. The Court will hold a pre-motion conference on 3/16/2006 at 11:30 a.m. Plaintiff's time to file his remand motion 28 USC 1447(c) is tolled as of 2/17/2006. The motion is therefore denied without prejudice and the Clerk is directed to terminate the motion #9. So Ordered. (Signed by Judge Kenneth M. Karas on 2/23/2006) (lb,) (Entered: 02/28/2006)
03/20/2006	<u>12</u>	ENDORSED LETTER: addressed to Magistrate Judge James C. Francis from James Mirro dated 3/17/2006 re: defendants respectfully request permission to file their answer or other responsive papers within 10 days of Judge Karas' order on plaintiff's motion to remand. ENDORSEMENT: Application Granted. So ordered. (Signed by Magistrate Judge James C. Francis on 3/17/2006) (lb,) (Entered: 03/20/2006)
04/06/2006	<u>13</u>	MOTION SCHEDULING ORDER: Plaintiff's motion to ramand shall be served upon opposing counsel not later than March 31, 2006; Defendants' opposition papers are to be served upon opposing counsel not later than April 14, 2006; Reply papers are to be served upon opposing counsel not

		later than 4/21/06;; (dj,) Modified on 4/6/2006 (dj,). (Entered: 04/06/2006)
04/11/2006	<u>14</u>	ANSWER to Complaint. Document filed by The City of New York. (Mirro, James) (Entered: 04/11/2006)
04/17/2006	<u>15</u>	ENDORSED LETTER addressed to Judge Kenneth M. Karas from James Mirro dated 4/13/06 re: a request for an additional five days, making defendant's due date 4/21/2006, to respond to plaintiff's motion. ENDORSEMENT: SO ORDERED. (Signed by Judge Kenneth M. Karas on 4/14/06) (kco,) (Entered: 04/18/2006)
04/17/2006		Set Deadlines: Responses due by 4/21/2006 (kco,) (Entered: 04/18/2006)
04/28/2006	<u>16</u>	ENDORSED LETTER addressed to Magistrate Judge James C. Francis, IV from James Mirro dated 4/26/06 re: Application GRANTED. The attached Discovery Order # 1 and Protective Order # 1 are to be entered in the cases listed on pages 2 and 3 of said Order. Original filed in 04cv7922, document # 59. (Signed by Judge James C. Francis on 4/27/06) (db,) (Entered: 04/28/2006)
04/28/2006	<u>17</u>	NOTICE of of Motion. Document filed by Alexander Dunlop. (Kurland, Yetta) (Entered: 04/28/2006)
04/28/2006	<u>18</u>	MOTION to Remand. Document filed by Alexander Dunlop. (Kurland, Yetta) (Entered: 04/28/2006)
04/28/2006	<u>19</u>	MEMORANDUM OF LAW in Support re: <u>18</u> MOTION to Remand.. Document filed by Alexander Dunlop. (Kurland, Yetta) (Entered: 04/28/2006)
04/28/2006	<u>20</u>	MEMORANDUM OF LAW in Opposition re: <u>18</u> MOTION to Remand.. Document filed by Thomas Graham, John J. Colgan, The New York County District Attorney's Office, Robert Morganthau, Maya Gomez, John Does 1-3, Hudson River Park Trust, The City of New York, Michael Bloomberg, Raymond Kelly, Joseph Esposito. (Kurland, Yetta) (Entered: 04/28/2006)
04/28/2006	<u>21</u>	CERTIFICATE OF SERVICE of Notice of Motion for Remand and Memorandum of Law in Support of Motion served on Attorney for Defendants, James Mirro on March 31, 2006. Service was made by Mail and e-mail correspondence. Document filed by Alexander Dunlop. (Kurland, Yetta) (Entered: 04/28/2006)
04/28/2006	<u>22</u>	RESPONSE in Support re: <u>18</u> MOTION to Remand. <i>Supplemental Memorandum of Law</i> . Document filed by Alexander Dunlop. (Kurland, Yetta) (Entered: 04/28/2006)
04/28/2006	<u>23</u>	CERTIFICATE OF SERVICE of Supplemental Response to Memorandum of Law in Support of Motion for Remand served on Attorney for Defendants, James Mirro on April 28, 2006. Document filed by Alexander Dunlop. (Kurland, Yetta) (Entered: 04/28/2006)
07/10/2006		Minute Entry for proceedings held before Judge James C. Francis :

		Pretrial Conference held on 7/10/2006 at 11:00 am. (jmi,) (Entered: 07/19/2006)
10/04/2006	<u>24</u>	OPINION AND ORDER # 93795 denying <u>18</u> MOTION to Remand. filed by Alexander Dunlop,. (Signed by Judge Kenneth M. Karas on 10/3/06) (cd,) Modified on 10/16/2006 (rw,). (Entered: 10/04/2006)
10/17/2006	<u>25</u>	NOTICE OF APPEARANCE by Michael Symington Morgan on behalf of The New York County District Attorney's Office, Robert Morgenthau (Morgan, Michael) (Entered: 10/17/2006)
10/17/2006	<u>26</u>	ENDORSED LETTER addressed to Judge Kenneth M. Karas from Michael S. Morgan dated 10/10/06 re: a request for a premotion conference. ENDORSEMENT: The Court will hold a premotion conference on 11/3/2006 at 3:15 p.m. The time for defendants Morgenthau and the NY District Attorney to file any motion to dismiss is tolled until then. (Signed by Judge Kenneth M. Karas on 10/16/06) (kco,) (Entered: 10/17/2006)
10/18/2006	<u>27</u>	ENDORSED LETTER addressed to Judge Kenneth M. Karas from James Mirro dated 10/13/2006 re: defendants request permission to file a motion to dismiss. ENDORSEMENT: Plaintiff is to respond to this letter by 10/23/2006. The Court will take up the defendant's other would-be motions at the 11/3/2006 conference. Defendant's time to answer is stayed until then. So Ordered. (Signed by Judge Kenneth M. Karas on 10/17/2006) (lb,) (Entered: 10/18/2006)
10/24/2006	<u>28</u>	PROTECTIVE ORDER...regarding procedures to be followed that shall govern the handling of confidential material.... (Signed by Magistrate Judge James C. Francis on 10/20/2006) (lb,) (Entered: 10/25/2006)
11/13/2006	<u>29</u>	ORDER: It is hereby orderd Plaintiff shall file his amended complaint by December 15, 2006. No further amendment to the complaint shall be permitted without leave of the Court. The parties shall appear in Court at 10:00 a.m. on January 5, 2007 for a pre-motion conference to address defendants' proposed motions to dismiss, defendants are nor required to file any additional pre-motion papers on these issues. Deferndants' time to answer shall be extended 30 days after the later of the January 5, 2007 conference or the Court's order on defendants' proposed motions to dismiss. Discovery in this action is stayed until the later of the January 5, 2007 conference or the Court's order on defendants' proposed motions to dismiss. (Signed by Judge Kenneth M. Karas on 11/9/06) (js,) (Entered: 11/14/2006)
11/13/2006	<u>30</u>	DISCOVERY ORDER #2: It is hereby ordered as follows: counsel for any party seeking to take a deposition may serve a notice on counsel for the party to be deposed at any time in advance of the deadline for doing so as set forth in the case management order governing each individual action. All other rulings as set forth in this order. (Signed by Magistrate Judge James C. Francis on 11/13/2006) Copies Mailed By Chambers(lb,) (Entered: 11/17/2006)
12/18/2006	<u>31</u>	ORDER; plaintiff shall file his amended complaint by 1/15/07; parties

		shall appear in Court at 12 p.m. on Feb. 2, 2007 for a premotion conf...; Defendants' time to answer will be extended until 30 days after the later of the Feb. 2, 2007 conference or the Court's order on defendants' proposed motions to dismiss; Discovery in this action is stayed until the later of the Feb. 2, 207 conferece or the Court's order on defendants' proposedmotrion (Signed by Judge Kenneth M. Karas on 12/15/06) (djc,) (Entered: 12/18/2006)
12/18/2006		Set Deadlines/Hearings: Amended Pleadings due by 1/15/2007. (djc,) (Entered: 12/18/2006)
01/12/2007	33	ENDORSED LETTER addressed to Magistrate Judge James C. Francis from Peter G. Farrell dated 1/10/07 re: Attorney for defendants request an order that the documents shall be subject to attorneys eyes only designation and shall be used in the litigation of the RNC cases consolidated before Your Honor. ENDORSEMENT: Application GRANTED. So Ordered. (Signed by Judge James C. Francis on 1/12/07) (js) (Entered: 01/16/2007)Filed In Associated Cases: 1:04-cv-7922-KMK-JCF et al.(rag) Additional attachment(s) added on 1/26/2007 (Correa, Julie). (Entered: 01/23/2007)
01/16/2007	32	SECOND AMENDED COMPLAINT against John Does, John Roe, Willa Concannon, Thomas Graham, John J. Colgan, The New York County District Attorney's Office, Robert Morgenthau, Maya Gomez, John Does 1-3, Hudson River Park Trust, The City of New York, Michael Bloomberg, Raymond Kelly, Joseph Esposito.Document filed by Alexander Dunlop.(jco) Additional attachment(s) added on 1/19/2007 (Correa, Julie). (Entered: 01/19/2007)
01/16/2007		***NOTE TO ATTORNEY TO E-MAIL PDF. Note to Attorney Gina M. Bonica for noncompliance with Section (3) of the S.D.N.Y. 3rd Amended Instructions For Filing An Electronic Case or Appeal and Section 1(d) of the S.D.N.Y. Procedures For Electronic Case Filing. E-MAIL the PDF for Document 32 Amended Complaint, to: case_openings@nysd.uscourts.gov. (jco) (Entered: 01/19/2007)
02/07/2007	34	MOTION SCHEDULING ORDER: Defendants' motions to dismiss shall be served upon opposing counsel not later than February 16, 2007. Plaintiffs opposition papers are to be served upon opposing counsel not later than March 19, 2007. Reply papers are ti be served upon opposing counsel not later than April 2, 2007. Sur-reply papers shall not be accepted or filed unless prior permission of the Court is given. Any pending deadlines found in the Federal Rules of Civil Procedure or in any applicable statute are hereby stayed until the date the motion is due. Counsel are reminded that there is a strict page limit, which will only be extended in extreme circumstances. The movants shall electronically file motion and reply papers with the Clerk only when the entire motion is fully briefed. The respondent shall electronically file opposition papers only when advised by movants that their papers are being filed. Courtesy copies are to be served on the opposing party by the assigned date. Two courtesy copies of all papers also shall be sent to this Court at the time they are seved upon opposing counsel. If oral argument is requested, it

		may be scheduled by the Court. Please wait to hear from the Court to schedule argument. SO ORDERED. (Signed by Judge Kenneth M. Karas on 2/5/2007) (jmi) (Entered: 02/08/2007)
02/09/2007	<u>35</u>	ENDORSED LETTER addressed to Judge Kenneth M. Karas from Gina M. Bonica dated 2/6/07 re: granting plaintiffs' request that Your Honor direct that the Second Amended Complaint be accepted without prejudice and note the same on the docket Sheet; So Ordered. (Signed by Judge Kenneth M. Karas on 2/8/07) (pl) (Entered: 02/13/2007)
02/13/2007	<u>36</u>	ENDORSED LETTER addressed to Judge Kenneth M. Karas from James Mirro dated 2/12/07 re: briefing on the motions to dismiss are suspended until 3/15/07. (Signed by Judge Kenneth M. Karas on 2/13/07) (db) Additional attachment(s) added on 2/16/2007 (kke). (Entered: 02/15/2007)
03/12/2007	<u>37</u>	NOTICE OF APPEARANCE by Michael Symington Morgan on behalf of Willa Concannon, Robert Morganthau (Morgan, Michael) (Entered: 03/12/2007)
03/15/2007	<u>38</u>	ENDORSED LETTER addressed to Judge Kenneth M. Karas from Michael S. Morgan dated 3/9/07 re: that the Court allow dfts Morgenthau and Concannon to file a memoranda not to exceed 30 pages in support of her motion to dismiss; So Ordered. dfts. Morgenthau and Concannon may file a 30-page brief in support of their motion to dismiss. (Signed by Judge Kenneth M. Karas on 3/14/07) (pl) (Entered: 03/16/2007)
03/16/2007		Minute Entry for proceedings held before Judge James C. Francis : Interim Pretrial Conference held on 3/16/2007. (djc) (Entered: 04/04/2007)
04/17/2007	<u>39</u>	ENDORSED LETTER addressed to Judge Karas from Gina Bonica dated 4/13/07 re request that the extension already granted by Michael Morgan ADA to answer their Motion to Dismiss be so ordered and that plntf's time to answer be extended to 5/31/07: plntf is given until 5/31/07 to respond to the motion to dismiss fld by the NYC D. A's office. (Signed by Judge Kenneth M. Karas on 4/17/07) (cd). (Entered: 04/17/2007)
04/20/2007	<u>40</u>	ENDORSED LETTER addressed to Judge Karas from Gina Bonica dated 4/18/07 re request that an adjournment to reply to the City's motion to the same date already granted in regard to the DA's motion be granted: plntf gets 30 days to reply to the City's motion to dismiss. No more extensions will be granted. (Signed by Judge Kenneth M. Karas on 4/19/07) (cd) (Entered: 04/20/2007)
04/27/2007		Minute Entry for proceedings held before Judge James C. Francis : Pretrial Conference held on 4/27/2007. (jco) (Entered: 05/10/2007)
04/30/2007	<u>41</u>	ENDORSED LETTER addressed to Judge Kenneth M. Karas from Yetta G. Kurland dated 4/25/07 re: The request for thirty (30) more days was granted. (Signed by Judge Kenneth M. Karas on 4/25/07) (db) (Entered: 05/01/2007)

06/05/2007	<u>42</u>	MOTION to Dismiss <i>Plaintiff's Conspiracy Claims</i> . Document filed by The City of New York.(Mirro, James) (Entered: 06/05/2007)
06/05/2007	<u>43</u>	MEMORANDUM OF LAW in Opposition re: <u>42</u> MOTION to Dismiss <i>Plaintiff's Conspiracy Claims</i> .. Document filed by Alexander Dunlop. (Attachments: # <u>1</u> Exhibit)(Mirro, James) (Entered: 06/05/2007)
06/05/2007	<u>44</u>	REPLY MEMORANDUM OF LAW in Support re: <u>42</u> MOTION to Dismiss <i>Plaintiff's Conspiracy Claims</i> .. Document filed by The City of New York. (Mirro, James) (Entered: 06/05/2007)
06/06/2007	<u>45</u>	STIPULATION AND ORDER OF DISMISSAL : purs. to Rule 41(a)(1) of the FRCP dfts Morgenthau and Concannon hereby withdraw their pre-answer motion to dismiss filed in this action and in return it is hereby stipulated and agreed that all claims against dfts Morgenthau and Concannon are withdrawn and this action is dismissed with prejudice as against dfts Morgenthau and Concannon each party to bear its own costs and fees; in further consideration for this stipulation of dismissal, and within ten business days of the filing thereof, District Attorney Morgenthau will provide the plaintiff with the name or names of the "John Roe" dft(s) identified in the caption of the complaint as "John Roe, Technician, New York County District Attorney's Office". (Signed by Judge Kenneth M. Karas on 6/5/07) (dle) (Entered: 06/07/2007)
08/08/2007	<u>46</u>	ENDORSED LETTER addressed to Judge Karas from Gina M. Bonica dated 8/2/2007 re: Counsel for plttf writes to inform the Court that they intend to take the deposition of Ms. Williams on 8/10/2007 at 11:00 a.m. ENDORSEMENT: Defendants are to respond to this letter by 8/9/2007. (Signed by Judge Kenneth M. Karas on 8/6/2007) (jp) (Entered: 08/08/2007)
08/10/2007	<u>47</u>	ENDORSED LETTER addressed to Judge Kenneth M. Karas from James Mirro dated 8/9/07 re: a response to plaintiffs letter of 8/2/2007. Defendant requests that the Court should deny permission for plaintiff to take the deposition of Ms. Williams and to deny the request for an enlargement of time to substitute the names of the John Does and Roes. ENDORSEMENT: For the reasons stated in this letter, plaintiff's applications to depose Ms. Williams and to extend the statute of limitations are denied. SO ORDERED. (Signed by Judge Kenneth M. Karas on 8/10/07) (kco) (Entered: 08/13/2007)
08/22/2007	<u>48</u>	ENDORSED LETTER addressed to Judge Kenneth M. Karas from Gina M. Bonica dated 8/16/07 re: We request that plaintiff be entitled to amend plaintiff's second amended complaint to substitute Ilise Williams for John Roe Technician. ENDORSEMENT: Plaintiff is granted leave to file his proposed Amended Complaint by August 27, 2007 to include Ms. Ilise Williams. After considering the City's letters on this topic, the Court cannot conclude that amendment would be futile. Of course, counsel for plaintiff is no doubt aware of its Rule 11 obligations and Ms. Williams may file a motion to dismiss at the appropriate time. The Court also has considered the City's argument that the June 5, 2007 stipulation bars the plaintiff from adding Ms. Williams, but that stipulation only covers the

		named Defendants from the Manhattan DA's office. In fact, the stip clearly contemplates that other employees from the DA's office might be added as defendants in this case. (Signed by Judge Kenneth M. Karas on 8/21/07) (js) (Entered: 08/23/2007)
08/27/2007	49	THIRD AMENDED COMPLAINT amending <u>32</u> Amended Complaint, against Robert Morgenthau, Willa Concannon, John Doe, Ilise Williams, Thomas Graham, John J. Colgan, Maya Gomez, Hudson River Park Trust, The City of New York, Michael Bloomberg, Raymond Kelly, Joseph Esposito. Document filed by Alexander Dunlop. Related document: <u>32</u> Amended Complaint, filed by Alexander Dunlop. (jco) (Entered: 08/29/2007)
09/04/2007	50	NOTICE OF CASE REASSIGNMENT to Judge Kenneth M. Karas' White Plains Docket. (fk) (Entered: 09/13/2007)
10/02/2007	51	NOTICE OF CASE REASSIGNMENT to Judge Richard J. Sullivan. Judge Kenneth M. Karas is no longer assigned to the case. (fk) (Entered: 10/05/2007)
01/04/2008	52	ORDER: Oral Argument re: defendants' motions to dismiss set for 2/6/2008 at 02:30 PM in Courtroom 21C, 500 Pearl Street, New York, NY 10007 before Judge Richard J. Sullivan. Concepcion's request to hold the City's motion in abeyance pending the completion of discovery in her case is DENIED. Concepcion has failed to offer any persuasive argument, or to cite any legal authority in support of her request for this Court to abstain from resolving the instant motion, which was fully submitted- and, thus, ripe for resolution- as of March 27, 2007. The parties are hereby directed to proceed with discovery in these actions during the pendency of the instant motions. (Signed by Judge Richard J. Sullivan on 1/2/08) (tro) (Entered: 01/04/2008)
01/08/2008	53	ENDORSED LETTER addressed to Judge Richard J. Sullivan from Jeffery C. Brooks dated 1/7/2008 re: Counsel for Defendant write in response to plaintiff's letter of January 4, 2008. Plaintiff's letter accurately describes the history in this case. On October 4, 2006, Judge Karas issued an order denying the plaintiff's motion to remand this action to state court. Defendants respectfully request that the Court maintain its stay in this case pending resolution of defendants' motion to dismiss. ENDORSEMENT: Pursuant to Judge Karas' December 15, 2006 Order discovery in the Dunlop's action shall remain stayed pending resolution of the Defendants' motion to dismiss. SO ORDERED. (Signed by Judge Richard J. Sullivan on 1/7/2008) (jmi) (Entered: 01/09/2008)
02/15/2008	54	SUPPLEMENTAL BRIEF <i>in Opposition to Defendants' Motion to Dismiss Conspiracy Claims</i> . Document filed by Alexander Dunlop. (Attachments: # <u>1</u> Exhibit A- Second amended complaint, # <u>2</u> Exhibit B- Third Amended Complaint, # <u>3</u> Exhibit C- Plaintiff's Memorandum of law in Opposition to Defendants' Motion to Dismiss Conspiracy Claims, # <u>4</u> Exhibit D- Endorsed letter of Judge Karas, # <u>5</u> Exhibit E- Stipulation of Dismissal, # <u>6</u> Exhibit F- Scheduling order, # <u>7</u> Exhibit G- Letter of Defendant)(Kurland, Yetta) (Entered: 02/15/2008)

02/15/2008	<u>55</u>	CERTIFICATE OF SERVICE of Supplemental Brief served on Defendants on February 15, 2008. Service was made by MAIL (electronic). Document filed by Alexander Dunlop. (Kurland, Yetta) (Entered: 02/15/2008)
05/06/2008	<u>56</u>	MEMORANDUM AND ORDER granting in part and denying in part <u>42</u> Motion to Dismiss. Defendants' motion to dismiss the conspiracy claim is granted in part and denied in part. Defendants' motion to dismiss plaintiff's conspiracy claim relating to his allegedly unlawful arrest and detention is GRANTED, and that claim is dismissed with prejudice. Defendant motion to dismiss plaintiff's conspiracy claim relating to the alleged alteration of a videotape is DENIED. The parties shall proceed with discovery in accord with the directives of the Honorable James C. Francis, Magistrate Judge, to whom this case has been assigned for general pre-trial purposes. The Clerk of the Court is respectfully requested to terminate the motion docketed as document number 42. (Signed by Judge Richard J. Sullivan on 5/6/08) (tro) (Entered: 05/06/2008)
05/21/2008	<u>57</u>	FILING ERROR - WRONG PDF FILE ASSOCIATED WITH DOCKET ENTRY - MOTION for Reconsideration Of Court's May 6, 2008 Order (MEMORANDUM OF LAW IN SUPPORT OF MOTION). Document filed by Thomas Graham, John J. Colgan, Ilise Williams, Maya Gomez, The City of New York, Michael Bloomberg, Raymond Kelly, Joseph Esposito. (Attachments: # 1 Exhibit A-C, # 2 Exhibit D-1, # 3 Exhibit D-2, # 4 Exhibit D-3, # 5 Exhibit E, # 6 Exhibit E-F)(Mirro, James) Modified on 5/21/2008 (KA). (Entered: 05/21/2008)
05/21/2008	<u>58</u>	ANSWER to Amended Complaint. Document filed by Thomas Graham, John J. Colgan, Ilise Williams, Maya Gomez, The City of New York, Michael Bloomberg, Raymond Kelly, Joseph Esposito. Related document: 49 Amended Complaint, filed by Alexander Dunlop.(Mirro, James) (Entered: 05/21/2008)
05/21/2008		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - PDF ERROR. Note to Attorney James Mirro to RE-FILE Document 57 MOTION for Reconsideration of Court's May 6, 2008 Order. (KA) (Entered: 05/21/2008)
05/21/2008	<u>59</u>	MOTION for Reconsideration re; 56 Order on Motion to Dismiss,,, Document filed by The City of New York.(Mirro, James) (Entered: 05/21/2008)
05/21/2008	<u>60</u>	MEMORANDUM OF LAW in Support re: 59 MOTION for Reconsideration re; 56 Order on Motion to Dismiss,,,, Document filed by The City of New York. (Mirro, James) (Entered: 05/21/2008)
05/21/2008	<u>61</u>	AFFIRMATION of James Mirro in Support re: 59 MOTION for Reconsideration re; 56 Order on Motion to Dismiss,,,, Document filed by The City of New York. (Attachments: # 1 Exhibit A-C, # 2 Exhibit D-1, # 3 Exhibit D-2, # 4 Exhibit D-3, # 5 Exhibit E, # 6 Exhibit F)(Mirro, James) (Entered: 05/21/2008)

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